IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 18TH JULY 2007 / 27TH ASHADHA 1929

Bail Appl..No. 4335 of 2007()

CRIME NO. 367/07 OF PANDALAM POLICE STATION

PETITIONER/ACCUSED NO.1

BINU RAJ, AGED 26 YEARS,
S/O SIVARAJAN, MINI RAJ BHAVANAM,
KALAVEDI JUNCTION, ELAVUMTHITTA P.O.,
PATHANAMTHITTA.

BY ADV. SRI.T.H.ABDUL AZEEZ
SRI.T.S.ABDUL VAHAB

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY THE
SUB INSPECTOR OF POLICE, PANDALAM THROUGH THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 18/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 4335 of 2007

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Dated this the 18th day of July, 2007

O R D E R

Application for anticipatory bail. The petitioner faces allegations in a crime registered, inter alia, under Section 498A I.P.C. The crime has been registered on a reference of a complaint by the learned Magistrate under Section 156(3) Cr.P.C. Investigation is pending. The petitioner apprehends imminent arrest. The marriage took place on 1.3.2006. The couple are not blessed with any children. There is strain in the matrimony. There is no serious injury suffered by the victim.

2. The learned counsel for the petitioner prays, the learned Prosecutor does not seriously oppose the said prayer and I am satisfied that the petitioner can be granted anticipatory bail, subject to appropriate conditions. In coming to this conclusion I take note of the fact that the marital tie is likely to be marred beyond repair if the petitioner were arrested and detained in custody.

3. In the result:

(1) This application is allowed.

(2) The following directions are issued under Section 438 Cr.P.C.

(a) The petitioner shall surrender before the learned Magistrate on 25.7.2007 at 11 a.m. The learned Magistrate shall release the petitioner on regular bail on condition that he executes a bond for Rs.25,000/- (Rupees twenty five thousand only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(b) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m. and 3 p.m. on 26.7.07 and 27.7.2007 and thereafter on all Mondays and Fridays between 10 a.m. and 12 noon for a period of two months and subsequently as and when directed by the Investigating Officer in writing to do so.

(c) If the petitioner does not appear before the learned Magistrate as directed in clause (1) above, these directions shall lapse on 25.7.07 and the police shall be at liberty thereafter to arrest the petitioner and deal with him in accordance with law.

(d) If the petitioner were arrested prior to his surrender on 25.7.2007 as directed in clause (1) above, he shall be released from custody on his executing a bond for Rs.25,000/- without any surety undertaking to appear before the learned Magistrate on 25.7.2007.

(R. BASANT)
Judge

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